

1. Sec. 101—Clarifies the application of mandatory exclusion based on felony convictions relating to controlled substances to individuals involved in health care.

2. Sec. 102—Clarifies the period of exclusion based on loss of license.

3. Sec. 103—Clarifies the application of sanctions to Federal health care programs.

B. Subtitle B—Civil Monetary Penalties

1. Sec. 111—Repeals the clarifications concerning levels of knowledge required for the imposition of civil monetary penalties.

2. Sec. 112—Allows for civil monetary penalties to be applied for services ordered or prescribed by an excluded individual or entity.

3. Sec. 113—Permits HHS to pursue civil monetary penalty actions after consulting with the Attorney General.

4. Sec. 114—Clarifies payment practice exception authority to definition of remuneration.

5. Sec. 115—Extends subpoena and injunction authority.

6. Sec. 116—Clarifies amounts of civil monetary penalties.

7. Sec. 117—Applies anti-dumping sanctions against physicians who refuse an appropriate transfer at a hospital with specialized capabilities or facilities.

C. Subtitle C—Criminal Penalties

1. Sec. 121—Kickback penalties for knowing violations

2. Sec. 122—Repeals expanded exception for risk-sharing contract to anti-kickback provisions

3. Sec. 123—Expands criminal penalties for kickbacks

4. Sec. 124—Treats certain Social Security Act crimes as Federal health care offenses

D. Subtitle D—Miscellaneous Provisions

1. Sec. 131—Repeals HIPAA advisory opinion authority

2. Sec. 132—Clarifies identification numbers to be used with adverse action data base

3. Sec. 133—Clarifies who may have access to information in adverse action data bank

II. Title II—Improvements in Providing Program Integrity

A. Subtitle A—General Provisions

1. Sec. 201—Limits the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud.

2. Sec. 202—Requires certain providers to fund annual financial and compliance audits as a condition of participation under the Medicare and Medicaid programs

3. Sec. 203—Makes clear that Medicare carriers and fiscal intermediaries and State Medicaid agencies are liable for claims submitted by excluded providers.

4. Sec. 204—Reforms Medicare Hospital Outpatient Payment Policies.

5. Sec. 205—Standardizes forms used for certifications of medical necessity and certifications of terminal illness.

6. Sec. 206—No mark-up for drugs, biologicals or nutrients; requires use of national drug code numbers in Medicare claims.

7. Sec. 207—Adjusts hospital payments to reflect excess payment resulting from a financial interest with downstream facilities.

Subtitle B—Other Provisions

1. Sec. 211—Inclusion of cost of home health services in explanation of Medicare benefits.

2. Sec. 212—Prohibits "cold-call" marketing for Medicare+Choice plans.

III. Title III—Provider Enrollment Process—Fees

1. Sec. 301—Fees for agreements with Medicare providers and suppliers.

2. Sec. 302—Establishes requirements and fees for Medicare overpayment collections.

3. Sec. 303—Requires an administrative fee for Medicare overpayment collection.

IV. Title IV—Payment Improvements

A. Subtitle A—Mental Health Partial Hospitalization Services

1. Sec. 401—Limits location of provision of services.

2. Sec. 402—Clarifies qualifications for community mental health centers.

3. Sec. 403—Requires audit of providers of partial hospitalization services.

4. Sec. 404—Implements prospective payment system for partial hospitalization services.

5. Sec. 405—Provides for a demonstration program for expanded partial hospitalization services.

B. Subtitle B—Rural Health Clinic Services

1. Sec. 411—Decreases beneficiary cost sharing for rural health clinic services.

2. Sec. 412—Implements a prospective payment system for rural health clinic services.

**CAMPAIGN FINANCE HEARINGS
ARE CREATING AN ATMOSPHERE
OF DISCRIMINATION AGAINST
ASIAN-AMERICANS**

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. LANTOS. Mr. Speaker, a number of concerns have been expressed over the past few months regarding the manner in which Chairman BURTON and the majority members of the House Government Reform and Oversight Committee have conducted their investigation into campaign finance abuses during the 1996 election campaign. There have been complaints that the investigation is too partisan, that it is duplicative and poorly managed. After 9 months and literally millions in taxpayer funds, this investigation has been beset with delays, staff resignations, poorly conducted investigations, and bungled procedures.

At the recent meeting of the committee at which committee members voted to extend immunity to a few witnesses who will testify at a hearing later this week, I raised a matter of the most serious concern to me. Mr. Speaker, I would like to call to the attention of the House those concerns which I raised during the meeting of the committee.

Mr. Speaker, this House and the committee investigating campaign finance must be particularly sensitive about the possible discriminatory effects that the investigation may have on Asian-Americans. There is a grave danger that stereotyping and Asian bashing will become, and in many instances have become, part and parcel of this investigation.

There is a long history of discrimination against Asian-Americans in this country. We all remember chapters of that history, perhaps the most shameful of which is the incarceration of tens of thousands of United States citizens of Japanese origin during the Second World War.

This investigation, perhaps inadvertently, has contributed to stereotyping and race bait-

ing. As one who is singularly conscious of this issue, I want to call attention to this issue, because Asian-Americans have as much right to participate in the political process as do Americans of any other national origin. Deliberately or otherwise, Asian-Americans have been the target of both of these investigations to an unacceptable and overwhelming degree.

While some might consider the question of Asian bashing ludicrous and outrageous. Organizations representing Asian-Americans do not. A petition with the U.S. Commission on Civil Rights was filed on behalf of the leading organizations representing Asian-Americans. These organizations believe that members of some of this Nation's most important institutions have acted irresponsibly and carelessly to allegations of campaign finance wrongdoing by scapegoating and stereotyping of Asian-Americans.

In point of fact, affiliates and subsidiaries of foreign-owned corporations have made vastly greater contributions to both political parties than the issues that we are dealing with in the Burton investigation. A Canadian-owned corporation gave \$2 million to the political parties. An Australian-owned corporation gave \$674,000, and an additional \$1 million to the California Republican Party. Brown and Williamson, a British-owned tobacco company, gave \$642,000.

None of these foreign-owned corporations have been the subject of any inquiry by either the Senate or House committee. As a matter of fact, in July, the Federal Election Commission levied the largest fine in history on a foreign contribution, and that contribution was made by a citizen of German origin. He has not been hauled before either committee.

Mr. Speaker, it would be absurd and an escape from reality to argue that there is not an Asian tone to these hearings. It is my hope that as hearings in the House commence that we will all remain acutely conscious of these most sensitive issues.

**IN HONOR OF NEW YORK STATE
SENATOR LEONARD P. STAVISKY**

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly outstanding individuals in our communities.

The Franklin D. Roosevelt Democratic Association of New York will be presenting its first ever Life-Time Achievement Award to State Senator, and dear friend of mine, Leonard P. Stavisky. To list the accomplishments of this great man would take up more pages than I would be allocated in the CONGRESSIONAL RECORD. To those of us who know him so well, I do not have to tell you of the Senator's accomplishments in the field of education, city and State government, and the many issues with which he has been involved. I am just amazed that one person could accomplish so much.

I congratulate you Leonard for over 30 years of service dedicated to the public good. Your example and your friendship over the years has meant so much to me, and I am